THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.26529 of 1996

Dated:14.12.2006

Between
1.V.Rama Krishna

.....Petitioner

and

1The Executive Officer, TTD, Tirupati
and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.26529 of 1996

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in terminating the services of the petitioner as night-watchman in 4th respondent-Kalyana Mandapam, pursuant to the proceedings No.C2/2374/CE/96, dated 26.8.1996 issued by the 2nd respondent as arbitrary and illegal..

According to the petitioner, he was appointed as Night-watchman in the 4th respondent-T.T.D Kalyanamandapam in 1994. Ever since he has been discharging duties as Night-watchman to the utmost satisfaction of the superiors without any blemish or adverse remarks. The 4th respondent has been paying monthly salary for the services rendered by the petitioner. While so, the 2nd respondent appears to have issued proceedings dated 26.8.1996 to the effect that the procedure of

engaging daily wage workers in all the T.T.D Kalyanamandapams shall be dispensed with, with immediate effect and those who were engaged shall be terminated forth with.

According to the petitioner, he worked for more than 600 days with the respondent Devasthanam continuously by receiving salary from them without any break. Having recognized the services of the petitioner, the respondent cannot go back and terminate the services without any reasons. The respondents terminated the services of the petitioner even without passing any order. The 4th respondent expressed his inability saying that he cannot permit the petitioner to continue as Night-watchman and he also cannot give any termination orders in view of the instructions given by the authorities concerned. Aggrieved by the same, the present writ petition is filed.

A detailed-counter affidavit has been filed on behalf of the respondents, wherein it is asserted that the petitioner never worked for more than 600 days continuously and without any break. In fact,

he was engaged only on particular days when there was work in kalyanamandapam. The petitioner cannot claim that the respondents have no jurisdiction to terminate the services of the petitioner. As there is no work in the Kalyanamandapams, his services were dispensed with during the month of August, 1996. After dispensing with his services, he did not approach the 4th respondent and it is not correct to say that the 4th respondent has expressed his inability by saying that he cannot permit the petitioner to continue him in service. In fact, the petitioner himself has stayed away as there was no work for him in the respondent's institution. The action of the respondents in having dispensed with the services of the petitioner cannot be found fault with. Apart from this, against the said action, an appeal is available to the Executive Officer, TTD. Instead of availing the same, the petitioner has approached this Court by way of filing the writ petition.

The present writ petition is filed way back in the year 1996. While admitting the writ petition, no

interim order was passed.

There is no information as to whether the petitioner was re-engaged or his services were regularized or he was appointed elsewhere etc. Further, no information is placed before this Court to show that the petitioner worked continuously for more than 240 days and he was duly selected by the constituted committee.

In view of the above, the writ petition is devoid of merits and is liable to be dismissed. However, if the petitioner is appointed or reengaged in any other status, this order will not have any bearing on the services of the petitioner.

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14-12-2006

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